
SENATE BILL No. 581

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-3-4; IC 35-38-2-2.2.

Synopsis: Probation and parole violations. Requires a court, as a condition of probation, and the parole board, a condition of parole, to prohibit a sex offender from possessing pornography.

Effective: July 1, 2007.

Walker

January 23, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 581

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-13-3-4, AS AMENDED BY P.L.60-2006,
2 SECTION 1, AS AMENDED BY P.L.139-2006, SECTION 2, AS
3 AMENDED BY P.L.140-2006, SECTION 15, AND AS AMENDED
4 BY P.L.173-2006, SECTION 15, IS CORRECTED AND AMENDED
5 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A
6 condition to remaining on parole is that the parolee not commit a crime
7 during the period of parole.
8 (b) The parole board may also adopt, under IC 4-22-2, additional
9 conditions to remaining on parole and require a parolee to satisfy one
10 (1) or more of these conditions. These conditions must be reasonably
11 related to the parolee's successful reintegration into the community and
12 not unduly restrictive of a fundamental right.
13 (c) If a person is released on parole the parolee shall be given a
14 written statement of the conditions of parole. Signed copies of this
15 statement shall be:
16 (1) retained by the parolee;
17 (2) forwarded to any person charged with the parolee's

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supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) to register with a ~~sheriff (or the~~

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police chief of a consolidated city) local law enforcement authority under ~~IC 5-2-12-5~~; IC 11-8-8;

(B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, *unless the sex offender obtains written approval from the parole board; and*

(C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense *unless the sex offender obtains a waiver under IC 35-38-2-2.5;*

and

(D) prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age; **and**

(E) prohibit a parolee who is a sex offender from possessing pornography or any material that contains or depicts nudity.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, *even if the sex offender obtains a waiver under IC 35-38-2-2.5.*

(i) *As a condition of parole, the parole board may require a parolee to participate in a reentry court program.*

~~(j)~~ **(j)** *As a condition of parole, the parole board:*

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex offender (as defined in ~~IC 5-2-12-4~~; IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

~~(k)~~ **(k)** *As a condition of parole, the parole board may prohibit, in accordance with ~~IC 35-38-2-2.5~~; IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does*

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1 *not exceed five (5) years.*

2 SECTION 2. IC 35-38-2-2.2, AS AMENDED BY P.L.173-2006,
3 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2007]: Sec. 2.2. As a condition of probation for a sex offender
5 (as defined in IC 11-8-8-5), the court shall:

6 (1) require the sex offender to register with the local law
7 enforcement authority under IC 11-8-8; ~~and~~

8 (2) prohibit the sex offender from residing within one thousand
9 (1,000) feet of school property (as defined in IC 35-41-1-24.7) for
10 the period of probation, unless the sex offender obtains written
11 approval from the court; **and**

12 **(3) prohibit the sex offender from possessing pornography or**
13 **any material that contains or depicts nudity.**

14 If the court allows the sex offender to reside within one thousand
15 (1,000) feet of school property under subdivision (2), the court shall
16 notify each school within one thousand (1,000) feet of the sex
17 offender's residence of the order.

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